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Magistrate Judge Laurel Beeler
San Francisco Courthouse
450 Golden Gate Avenue Courtroom B – 15th Floor
San Francisco, CA 94102

Re: *United States v. Andrade*, Case No. 3:20-cr-00249-RS-LB

Dear Judge Beeler,

I am one of the lawyers representing Rowland Marcus Andrade. I very much appreciate that the Court permitted me to participate in the hearing remotely today, especially because I have been taking the lead on preparing Mr. Andrade's discovery motions. Unfortunately, although I could hear the speakers in the courtroom, none of you could hear me when I tried to speak.

The most important point I tried to make during the hearing, and which I want to raise for the Court before an Order is issued, relates to the Motorola G7 cell phone that was Mr. Andrade's primary phone during the relevant time period.

We made two requests on March 3, 2022 relating to the Motorola G7, and we provided the government with documentary evidence – in the form of FBI reports and Regional Computer Forensics Laboratory (“RCFL”) reports – that the requested items exist. We requested 1) the 1B96 hard drive containing the image taken of Mr. Andrade’s phone and received by the RCFL in March 2020; and 2) the unminimized Cellebrite report referenced in the FBI reports cited in our briefs. The government has never argued that it is not obligated to produce 1B96 hard drive or the unminimized Cellebrite report (and the agents specifically requested and received copies in 2020), but neither has been produced to Mr. Andrade.

What the government has produced, in addition to returning the device, is a 300 MB image of the phone in May 2022 and a very different incomplete image of the phone in a 3TB drive in December 2022. And, when the government filed its opposition to our motion, it told us for the first time that it was only able to obtain a “partial image” of the G7 “presumably” because of “technical constraints.” These circumstances suggest that the items we are requesting could be the best record of what was on the phone at the time it was seized.

We therefore respectfully reiterate our request that the government produce 1) the 1B96 hard drive containing the image taken of Mr. Andrade’s Motorola G7 phone and received by the RCFL in March 2020; and 2) the unminimized Cellebrite report referenced in the FBI reports cited in our briefs; and 3) any forensic reports and destruction reports relating to the phone.

Respectfully,

Kerrie C. Dent